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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the International League for the Rights and the Liberation of Peoples, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 January 1991]

JUDGEMENT OF THE SESSION OF THE PERMANENT PEOPLES' TRIBUNAL ON THE AMAZON REGION OF BRAZIL (PARIS, 12-16 OCTOBER 1990) - I

Continuing and specific nature of the session on the Amazon region of Brazil vis-à-vis the Tribunal on debt (Berlin, 1988)

1. Since the Berlin session of the Permanent Peoples' Tribunal on IMF and World Bank policies two years ago, the situation in the indebted third-world countries has deteriorated markedly. In its report on the environment

in 1990, the World Bank estimates that there are more than 1 billion poor people, men and women, in Africa, Asia and Latin America, with annual incomes of less than $370. Brazil has not avoided this alarming trend. In the past few years there has been an almost continuous degradation of its environmental, economic and social situation.

2. While it is estimated that the principal of the debt was reduced from $123 billion in 1987 to $109 billion in 1990, debt service still amounts to $12 billion per year. The net transfer of resources has been even more drastic, reaching approximately $80 billion in the 1980s. Some 4.6 per cent of annual GNP was transferred abroad, to private banks or official institutions, in connection with the debt. The impact of such transfers on household consumption and investment, on the development of the public sector and on the social security system has been disastrous.

3. Although the World Bank has drawn up an optimistic scenario for Brazil in the 1990s, the future will probably be much more gloomy: rapid population growth (179 million inhabitants by the year 2000) and very slowly rising per capita income. With little chance of any change in income distribution, the absolute number of poor people will also increase.

4. To achieve the same level of investment as in the early 1980s, the real rate of investment growth in Brazil would have to be 7 per cent annually in real terms during the 1990s. Such a rate is most improbable given the inflationary pressures which have forced successive Governments to adopt a range of austerity measures. The deficit cannot be offset by foreign investment since, quite apart from the reservations attached to such investment in a newly industrialized country, it presupposes a settlement of the external debt.

5. The balance-of-trade surplus - exports rose on average by 3.2 per cent annually between 1980 and 1987, while imports declined over the same period by 4.4 per cent annually - has had a negative effect on economic development. Some industries, to be sure, have diversified and modernized. But since the trade surplus has mostly gone to service the foreign debt, it has not generated new income, jobs or economic growth.

6. It is therefore to be feared that the "lost decade" of the 1980s will persist in the 1990s unless the Brazilian authorities and the international community radically change the way in which countries like Brazil are integrated within the international economic order and into the prevailing world monetary and trading system.

7. In this regard, several specific measures were proposed in the Tribunal's judgement to remedy such an intolerable situation. However, few changes have actually occurred. The debt burden still overtaxes the heavily indebted countries' economic and financial resources and the consequences of debt service have steadily worsened: higher inflation and rigorous austerity measures, impoverishment of large numbers of people in urban as well as rural areas, over-exploitation of land and devastation of hitherto protected regions, causing an ecological disaster that threatens living standards not only in the regions immediately concerned but all over the planet.

Recommendations of the Permanent Peoples' Tribunal

8. The Permanent Peoples' Tribunal therefore issued a series of recommendations to the Brazilian authorities and the international community in the document entitled "Conclusions of the session of the Permanent Peoples' Tribunal on the Amazon region of Brazil - II". It also wished to respond, in the following manner, to the questions raised concerning responsibilities:

9. Accordingly, in response to the questions put to it, the Tribunal decides as follows:

(a) The sovereignty exercised by the Federative Republic of Brazil over the Amazon, as an integral part of the national territory, not only confers prerogatives guaranteed by international law but also entails duties. The primary duty is to promote the well-being and development of all Brazilians and respect for the natural environment of the Amazon in the interest of the country's entire population, without jeopardizing the particular rights of the Amazonian peoples. By adopting a new Constitution and acceding to many international treaties on the protection of fundamental rights and respect for the natural environment, Brazil has itself recognized the bounds within which sovereignty is to be exercised. The State's general obligations include the duty to enforce its own laws, to prevent offences under its legislation and to punish them when they are committed. The Brazilian Constitution and international law also impose particular obligations with regard to the Indian communities, the first occupants of the national territory and the representatives of indigenous cultural values.

(b) The evidence placed before the Tribunal reveals serious infringements of fundamental rights, resulting either from arbitrary actions by the authorities or from inadequate protection of the life and physical integrity of all citizens.

(c) Attacks on the life and integrity of the Indian communities were cited before the Tribunal in support of the charge of genocide. The first two elements of this crime against humanity were adequately demonstrated. As to the element of intention, this might follow from the repetition of such acts. While the Tribunal did not consider that this element had been established beyond any doubt, it is bound to state that should adequate measures not be taken without delay to protect the Indian communities, the intention to destroy a group "as such" could be demonstrated.

(d) The arguments sometimes advanced regarding the country's economic development needs cannot justify the infringements observed. The Tribunal notes, however, that a predatory model of development has, at least in part, been imposed on Brazilian Governments, notably because of the considerable foreign debt burden and Brazil's integration into a model of development inspired and dominated by the highly industrialized countries.

(e) The successive Governments of Brazil, and especially the present Government, do not bear sole responsibility for the steadily deteriorating living standards of the majority of the population. External responsibilities have already been noted in the Berlin judgement (1988). They extend to the international financial institutions, the European Economic Community and countries whose enterprises have contributed to destroying substantial parts of the Amazon region.

(f) The inestimable value of the Amazon for the planet's ecological balance should not have the sole effect of restricting, in accordance with the rules of international law and the right of peoples applicable to all States, Brazil's exercise of its territorial powers. The aggression to which the Amazonian peoples have been subjected in the past decade has to a large extent been external aggression. Only concerted action by the political and economic forces of the world community and a will to establish a new international economic order can effectively meet Brazil's development needs without endangering the fundamental rights of the Amazonian peoples or the protection of the Amazon's natural environment.